IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 995 OF 2006

Mr. Dilip Ramdas Joshi ....Applicant.

V/s

The State of Maharashtra ....Respondent.

Mr. S.V. Kotwal i/b Mr. M.S. Mohite for the applicant.
Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 10th March, 2006

P.C:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant is seeking an anticipatory bail in connection with C.R. No.61 of 2006 registered at Panvel Town Police Station for the offence punishable under section 365 of the Indian Penal Code.

3. The complainant Shinde, who is residing in the building wherein the present applicant is also residing, had initially filed a complaint under the Scheduled Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989. The Sessions Court rejected the application filed by the applicant for anticipatory bail and against the said order of the Sessions Court the applicant has filed the present

application. During the pendency of the said application, another complaint was filed by the complainant Shinde, alleging that he was abducted by three unknown persons at the behest of the applicant. It is submitted that a false and frivolous complaint was filed by the complainant. It is alleged that there was a dispute between the complainant and the members of the Housing Society in which applicant, complainant and others are residing on account of the complainant's business of training the dogs being carried on in the residential premises. A complaint was filed by the members of the Managing Committee against the complainant herein and, as a result of that, he had to stop the said business. It is alleged that the complainant had a grudge against the members of the Society and more particularly the applicant herein and, therefore, these complaints have been filed. It is alleged that the complainant's father is a retired Police Officer. It is further alleged that the applicant is working in B.A.R.C. and is undergoing treatment on account of his heart ailment. It is stated that the applicant had collapsed in the court during the hearing of earlier application which

he had filed and had to be admitted in the hospital.

4. Considering the peculiar facts and circumstances of the case and in view of the admitted position that the complainant in his statement has stated that he was abducted by three unknown persons there is no evidence to indicate that the applicant was the author of the said crime. Apart form that, looking at the medical record and the certificate issued by the Medical Officer attached to the B.A.R.C. Hospital, Mumbai, in my view, this is a fit case for grant of anticipatory bail.

5. Under the circumstances, in the event of the arrest of the applicant in connection with C.R. No.21 registered at Panvel Town Police Station for the offence punishable under section 365 of the Indian Penal Code, the applicant be released on bail in the sum of Rs. 5000/- with one or two sureties in the like amount. The applicant shall co-operate with the Investigating Officer in the investigation of the case. The Investigating Officer may call the applicant on any Sunday between 11.00 a.m. to 5.00 p.m.

6. Application is accordingly disposed of.

V.M. KANADE, J.